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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,223	11/21/2005	Marek Strassenburg-Kleciak	11336/788 (P03122US)	9718
27879 7590 07/13/2007 INDIANAPOLIS OFFICE 27879 BRINKS HOFER GILSON & LIONE ONE INDIANA SQUARE, SUITE 1600 INDIANAPOLIS, IN 46204-2033			EXAMINER SAJOUS, WESNER	
			ART UNIT 2628	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/519,223

Applicant(s)

STRASSENBURG-KLECIK ET AL.

Examiner

Sajous Wesner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-28 and 51 is/are allowed.
- 6) ☒ Claim(s) 1-8, 29-32 and 36-48 is/are rejected.
- 7) ☒ Claim(s) 33, 34, 49 and 50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/22/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 5/22/06. These drawings are acceptable.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 6, 44, 46-47 are rejected under 35 U.S.C. 102(b) as being anticipated by DiFrancesco (US 5194969).

Considering claims 1 and 2, DiFrancesco discloses a method of developing a surface of an electronic representation of an object (as defined by fig. 1) comprises providing an electronic representation of an object (20 fig. 2A); selecting a source texture as a function of the visual appearance of the object (see col. 4, lines 22-42); selectively transforming the source texture to form at least part of a complex texture representative of a surface of the object (see fig. 2B, and col. 4, lines 54-58, col. 5, lines 17-22); selectively applying the complex texture to a surface of the electronic representation of the object, wherein applying the source texture comprises associating a transformation procedure with the surface of the electronic representation of the object, where the

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transformation procedure is performed to form the complex texture (see col. 7, line 67- to col. 8, line 32, and col. 8, line 58 to col. 9, line 10).

As per claim 6, DiFrancesco discloses selectively transforming comprises manipulating the source texture in a source texture manipulation display to create a source transformation procedure; positioning the source texture that has been manipulated in a complex texture formation display to create a complex transformation procedure; and combining the source transformation procedure and the complex transformation procedure to form a transformation procedure representative of the complex texture. See col. 4, lines 54-58, col. 5, line 17 to col. 9, line 10.

Claims 44 and 46-47 contain features that are analogous to the limitations recited in claims 1 and 2. As the limitations of claim 1 are anticipated by the teaching of DiFrancesco, it is readily apparent that the applied prior art performed the underlying elements. As such, the limitations of claims 44 and 46-47 are rejected under the same rationale set forth above for claims 1 and 2, respectively. See col. 4, lines 54-58; col. 5, lines 17-22; col. 7, line 67- to col. 8, line 32; and col. 8, line 58 to col. 9, line 10, as characterization for the memory device with instructions to select and transform a source texture.

4. Claims 29-32 and 36-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Baldwin et al. (US6285373).

Considering claims 29-31, Baldwin discloses a texturizing system (see figs. 3-5) comprises a computer (item 530 or 510 of fig. 5) a library component

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(520 or 540, fig. 5) operable in the computer, where the library component includes a source texture having a unique identifier (via item 550 of fig. 5) ; and a graphical user interface component (inherent in either of item 510 or 530 of fig. 5, see also item 330, fig. 3) in communication with the library component, where the graphical user interface component is operable to develop a transformation procedure to transform the source texture to form at least part of a complex texture, where the transformation procedure can be associated with a surface of an electronic representation of an object to provide texturization of the surface when the electronic representation is displayed, where the transformation procedure is storable in the library component with a unique identifier, and is a set of executable instructions that include a unique identifier of the source texture. See abstract, col. 3, line 48 to col. 4, line 50, and col. 6, lines 8-51.

Re claim 32, Baldwin discloses the library component includes a source texture category operable to store the source texture, a complex texture category operable to store the transformation procedure and a texture directory to display the contents of the source texture category and the complex texture category in a tree structure. See col. 5, line 25 to col. 6, line 51.

As per claim 36, Baldwin discloses the computer comprises a server computer (510, fig. 5) having a master texture library (520) and a client computer (530) having a local texture library (540), the library component operable to synchronize the master texture library of the server computer with the local texture library of the client computer when the client computer connects to the server computer. See col. 6, lines 35-60.

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Claims 37 and 39 contain features that are analogous to the limitations recited in claims 29 and 30. As the limitations of claims 29 and 30 are anticipated by the teaching of Baldwin, it is readily apparent that the applied prior art performed the underlying elements. As such, the limitations of claims 37 and 39 are rejected under the same rationale as claims 29 and 30, respectively.

As per claim 38, Baldwin inherently discloses the source texture (via remote computer 510) comprises an image file (that is incorporated with object data 550).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4, and 7-8, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiFrancesco in view of Buckner et al. (US 5471572).

Regarding claims 3-4, and 7-8, DiFrancesco discloses the features of claim 1, as claimed; however, DiFrancesco does not explicitly disclose applying the transformed and stored complex texture associating a unique identifier with the surface representation of the object.

Buchner discloses the transformed and stored source complex texture with unique identifier as claimed. See col. 4, lines 8-19, 57-66, col. 5, lines 1-52,

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wherein the unique identifier(s) correspond(s) to the LOD type associated with the equation that defines the source texture. Therefore, It would have been obvious to one of ordinary skill in the art to implement the unique identifiers of Buchner in the surface development method of DiFrancasco since the unique identifiers of Buchner describe texture level of details providing improved texturing resolutions.

Claim 45 contain features that are analogous to the limitations recited in claim 3; it is therefore rejected under the same rationale as claim 3.

7. Claims 5, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiFrancesco in view of Wang et al. (5802361).

DiFrancesco discloses the surface development method substantially as claimed. However, DiFrancesco does not explicitly disclose entering a search mode and library mode to find and select an image file from a source texture library component.

Wang et al. discloses the search and library modes as claimed. See col. 16, lines 4-45, and fig. 1.

Therefore, it would have been obvious to one of ordinary skill in the art to implement the search and library modes of Wang et al. in the surface development method of DiFranceaco since the selection of texture images of Wang allows for an improvement in texturing systems providing user personalized texturing system by the selection of user designated image file textures.

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Claim 48 contain features that are analogous to the limitations recited in claim 5; it is therefore rejected under the same rationale as claim 5.

8. Claim 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin et al. in view of Wang et al. (5802361).

Considering claim 35, Baldwin discloses the texturizing system substantially as claimed. However, Baldwin does not explicitly disclose a texture selection component having a library mode and a search mode to identify textures.

Wang et al. discloses the search and library modes as claimed. See col. 16, lines 4-45, and fig. 1.

Therefore, it would have been obvious to one of ordinary skill in the art to implement the search and library modes of Wang in the texturizing system of Baldwin since the selection of texture images of Wang allows for an improvement in texturizing systems providing user personalized texturizing systems by the selection of user designated image file textures.

9. Claims 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art of the immediately preceding paragraph and further in view the obviousness to implement the texturizing system utilizing an electronic object of many different types, storing the identifiers with the object, which is based upon the preferred choice of the designer and/or to which one best suits the application at hand. Neither Baldwin nor Buchner explicitly disclose the electronic

object being of three-dimensional image or model forms whereby the objects are stored with their unique identifiers however, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize the texturizing and storing techniques of Baldwin and Buchner with three-dimensional data images or models, storing unique identifiers with the models because the mere fact of where data is stored and what data is processed is a matter of design choice as preferred by the designer and/or to which best suits the application at hand.

Allowable Subject Matter

10. Claims 33-34, and 49-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, because the prior art of record fail to teach a texturizing system wherein a graphical user interface component includes a source texture operation component and a complex texture composition component, and the transformation procedure comprises a source transformation procedure created with the source texture operation component, and a complex transformation procedure created with the complex texture composition component (as recited in claim 33), where the source transformation procedure is created with a source texture manipulation display provided by the source texture operation component and the complex transformation procedure is formed with a complex texture formation display provided by the complex texture composition component (as

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recited in claim 34); the texturing system further comprises instructions stored in a memory to device to save the complex texture as a source texture (as recited in claim 49); and to underlay a background image within the complex texture (as recited in claim 50).

Claims 9-27, and 51 are allowed because the prior art of record fail to teach a method for developing a surface of an electronic representation of an object comprising creating a texture library of source textures; assigning unique identifiers to each of the source textures; storing a transformation procedure in the texture library, where the transformation procedure includes at least one of the unique identifiers, the transformation procedure operable to logically transform at least one of the source textures to form at least part of a complex texture when executed; and associating the transformation procedure with a surface of an electronic representation of an object to texturize the surface (as recited in claim 9); performing a second transformation of the source texture with a complex texture formation display; capturing the second transformation in a complex transformation procedure; and identifying the source transformation procedure and the complex transformation procedure with a unique identifier, where the unique identifier is storable in association with a surface of an electronic representation of an object (as recited in claim 18). In addition, the prior art fail to fairly suggest a data structure that includes a second field containing a name of an image file when the data represents a source texture

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and a third field containing a unique identifier of a transformation procedure when the data structure represents a complex texture.

Conclusion

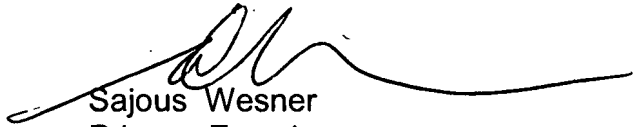
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are as recited in the PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajous Wesner whose telephone number is 571-272-7791. The examiner can normally be reached on M-F 9:15-6:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sajous Wesner
Primary Examiner
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WS
7/6/07